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PATENT  
APPLICATION 10/664,754  
ATTORNEY DOCKET 2002P15652US01 (1009-039)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)        **Li, Yufeng**  
Application        **10/664,754**  
Confirmation       **4113**  
Filed               **18 September 2003**  
Application Title   **System and Method for Automated Positioning of Graphic Objects**  
Art Unit            **2178**  
Latest Examiner    **Termanini, Samir**

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.132**

Sir:

I, Georg Muenzel, a citizen of the United States, whose full post office address is 75 Edgemere Ave, Plainsboro, NJ 08536 declare as follows under penalty of perjury.

**Background**

1. I hold a Dipl. Math. degree in mathematics from the University of Erlangen-Nuernberg awarded in 1982.
2. I am currently a Program Manager with Siemens Corporation, the assignee of record of the present application.
3. Since 1988, I have worked continually in the field of automation systems with

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particular emphasis in electrical engineering.

4. During my career, I have been granted one U.S. patent for my own invention in the field of equipment automation systems.

**Review**

5. I have reviewed Application Serial No. 10/664,754 (hereinafter the present application), which lists me as an inventor.
6. I know what one of ordinary skill in the art of the present application would have known on the priority date claimed by the present application (23 September 2002).
7. My statements herein are made solely from the perspective of one of ordinary skill in the art as of 23 September 2002.
8. I have reviewed the USPTO Office Action dated 5 October 2007 (hereinafter the "Office Action") regarding Application Serial No. 10/664,754.
9. I have reviewed U.S. Patent 6,282,455 ("Engdahl").
10. I have reviewed U.S. Patent 2004/0021679 ("Chapman").
11. I have reviewed U.S. Patent 5,911,145 ("Arora").
12. Among the subject matter with which I was familiar prior to 23 September 2002 was subject matter of the type recited in Engdahl.
13. Among the subject matter with which I was familiar prior to 23 September 2002 was subject matter of the type recited in Chapman.
14. Among the subject matter with which I was familiar prior to 23 September 2002 was subject matter of the type recited in Arora.

**The Claim Rejections**

15. Each of claims 1 and 19 state, *inter alia*, "responsive to a detected collision between a parent node of said hierarchy of said collection and a leaf node of the parent node, automatically adjusting a position of said parent node".
16. Claim 20 states, *inter alia*, "a processor adapted to, responsive to a detected collision

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between a parent node of said hierarchy of said collection and a leaf node of the parent node, automatically adjust a position of said parent node".

17. The present Office Action states, at Page 5, that the Engdahl describes, "responsive to a detected collision between a parent node of said hierarchy of said collection and a leaf node of the parent node ('...is on top of another object...', col. 8, lines 25-26), automatically adjusting a position of said parent node ('...parent node connects to the child node's properties...', col. 8, lines 29-30)" as claimed by each of independent claims 1 and 19. The present Office Action relies upon these same applied portions of Engdahl to reject the claimed subject matter of claim 20 referenced in paragraph 16.
18. One having ordinary skill in the art would find the statements of the Office Action recited in paragraph 17 factually incorrect as of 23 September 2002.
19. Instead, one having ordinary skill in the art would have found that Engdahl states, at col. 8, lines 25-30, "[a]t process block 106, if the culmination of the drag-drop operation is that the selected object 64 is on top of another object 64, then the objects 64 of the child node takes its arguments from the parent node's properties and, if necessary, the parent node connects to the child node's properties."
20. One having ordinary skill in the art would have studied the specification of Engdahl to attempt to understand what the term "properties" means in the statement referenced in paragraph 19.
21. One having ordinary skill in the art would have found Engdahl states, at col. 5, lines 30-31 states that the term "properties" means "data describing the node".
22. One having ordinary skill in the art would have found Engdahl states, at col. 5, lines 42-47 states "[e]ach node, as well as having a place in the hierarchy of the scene graph 56 and relative coordinates, as described above, has a number of properties including generally a shape and texture and can perform certain 'methods' as will be described"
23. One having ordinary skill in the art would have found that the statement of Engdahl

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referenced in paragraph 22 does not indicate, "relative coordinates" are "properties" of the node.

24. One having ordinary skill in the art would have found Engdahl states, at col. 6, lines 50-53 states "[o]ther inputs from the user are used to manipulate the scene graph 56 in more fundamental ways including moving objects and changing their properties."
25. One having ordinary skill in the art would have found that the statement of Engdahl referenced in paragraph 24 does not indicate, "moving objects" "chang[es] their properties".
26. Based at least upon the evidence of paragraphs 22 and 24, one having ordinary skill in the art would not have found that the statement of Engdahl referenced in paragraph 19 teaches, "automatically adjusting" any "position" of any "node" whatsoever.
27. Based at least upon the evidence of paragraphs 22 and 24, one having ordinary skill in the art would not have found that the statement of Engdahl referenced in paragraph 19 enables, "automatically adjusting" any "position" of any "node" whatsoever.
28. For at least the reasons indicated in paragraphs 19-27, one having ordinary skill in the art would not have found that the applied portion of Engdahl referenced in paragraph 19 teaches, "responsive to a detected collision between a parent node of said hierarchy of said collection and a leaf node of the parent node, automatically adjusting a position of said parent node" as claimed by each of independent claims 1 and 19.
29. For at least the reasons indicated in paragraphs 19-27, one having ordinary skill in the art would not have found that the applied portion of Engdahl referenced in paragraph 19 enables one having ordinary skill in the art to practice the claimed subject matter of, "responsive to a detected collision between a parent node of said hierarchy of said collection and a leaf node of the parent node, automatically adjusting a position of said parent node" without undue experimentation.
30. For at least the reasons indicated in paragraphs 19-27, one having ordinary skill in the art would not have found that the applied portion of Engdahl referenced in paragraph 19 teaches, "a processor adapted to, responsive to a detected collision between a

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parent node of said hierarchy of said collection and a leaf node of the parent node, automatically adjust a position of said parent node" as claimed by independent claim 20.

31. For at least the reasons indicated in paragraphs 19-27, one having ordinary skill in the art would not have found that the applied portion of Engdahl referenced in paragraph 19 enables one having ordinary skill in the art to practice the claimed subject matter of, "a processor adapted to, responsive to a detected collision between a parent node of said hierarchy of said collection and a leaf node of the parent node, automatically adjust a position of said parent node" without undue experimentation.

I further declare that all statements made herein of my own knowledge are true and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 29 day of January 2008.

